

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

DONTAE LASHUN WILEY, JR.,

Case No. 1:25-cv-00509

Plaintiff,

Hon. Robert J. Jonker  
U.S. District Judge

v.

ELIZABETH BARTLETT, et al.,

Defendants

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**REPORT AND RECOMMENDATION**

**I. Introduction**

*Pro se* Plaintiff Kent County Correctional Facility inmate Dontae Lahun Wiley, Jr., filed this complaint against Kent County Assistant Prosecutor Bartlett, Kent County Judges Ohara and Faber, and Kent County Detective Langerak. (ECF No. 1.) Wiley says that he is being wrongfully prosecuted in the state courts in two cases involving armed robbery, firearm possession by a prohibited person, and assault with a dangerous weapon. Wiley requests that this Court interfere with the state court criminal proceedings by providing him with injunctive relief, mandamus relief, and monetary relief.

Plaintiff was granted *in forma pauperis* status on May 5, 2025. (ECF No. 5.)

**II. Standard of Law**

Under 28 U.S.C. § 1915(e)(2)(B), the court must dismiss any action brought *in forma pauperis* if the action is (1) frivolous or malicious; (2) fails to state a claim on

which relief may be granted; or (3) seeks monetary relief against a defendant who is immune from such relief.

A complaint may be dismissed for failure to state a claim if it fails “to give the defendant fair notice of what the . . . claim is and the grounds upon which it rests.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). While a complaint need not contain detailed factual allegations, a plaintiff’s allegations must include more than labels and conclusions. *Id.* The court must determine whether the complaint contains “enough facts to state a claim to relief that is plausible on its face.” *Id.* at 570. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009). Although the plausibility standard is not equivalent to a “probability requirement, . . . it asks for more than a sheer possibility that a defendant has acted unlawfully.” *Id.* at 678 (quoting *Twombly*, 550 U.S. at 556).

In addition, the Court must read Plaintiff’s *pro se* complaint indulgently, see *Haines v. Kerner*, 404 U.S. 519, 520 (1972), and accept Plaintiff’s allegations as true, unless they are clearly irrational or wholly incredible. *Denton v. Hernandez*, 504 U.S. 25, 33 (1992).

### **III. Analysis**

Plaintiff is essentially asking the Court to interfere with his ongoing state criminal proceedings. “Since the beginning of this country’s history Congress has, subject to few exceptions, manifested a desire to permit state courts to try state cases

free from interference by federal courts.” *Younger v. Harris*, 401 U.S. 37, 43 (1971). Generally, federal courts should abstain from deciding a matter that would interfere with pending state proceedings involving important state matters unless extraordinary circumstances are present. *Id.* at 44–55. This principle is based on notions of equity and comity, “and a continuance of the belief that the National Government will fare best if the States and their institutions are left free to perform their separate functions in their separate ways.” *Id.* at 44.

*Younger* generally permits a federal court to abstain from considering a plaintiff’s claims where: (1) the state proceedings are ongoing; (2) the state proceedings implicate important state interests; and (3) the state proceedings afford an adequate opportunity to raise the federal questions. *Middlesex Cty. Ethics Comm. v. Garden State Bar Ass’n*, 457 U.S. 423, 432 (1982). Defendants “need be accorded only an opportunity to fairly pursue their constitutional claims in the ongoing state proceedings . . . and their failure to avail themselves of such opportunities does not mean that the state procedures were inadequate.” *Juidice v. Vail*, 430 U.S. 327, 337 (1977) (citing *Gibson v. Berryhill*, 411 U.S. 564, 577 (1973)).

Exceptions to the *Younger* abstention doctrine have been recognized in the following circumstances: **(1)** where “the state proceeding is motivated by a desire to harass or is conducted in bad faith,” *Huffman v. Pursue, Ltd.*, 420 U.S. 592, 611 (1975); **(2)** where “[a] challenged statute is flagrantly and patently violative of express constitutional prohibitions,” *Moore v. Sims*, 442 U.S. 415, 424 (1979) (quoting *Huffman*, 420 U.S. at 611); and **(3)** where there is “an extraordinarily pressing need

for immediate federal equitable relief,” *Kugler v. Helfant*, 421 U.S. 117, 125 (1975). These exceptions have been interpreted narrowly. *Zalman v. Armstrong*, 802 F.2d 199, 205 (6th Cir. 1986).

The three factors supporting *Younger* abstention are present in this case. First, Plaintiff’s case is pending in state court. Second, Plaintiff’s criminal proceedings involve important state interests. *See Younger*, 401 U.S. at 43 (recognizing that when the state proceeding is criminal in nature, the policy against federal interference is “particularly” strong); *see also Parker v. Turner*, 626 F.2d 1, 8 (6th Cir. 1980) (stating that “*Younger* established a near-absolute restraint rule when there are pending state criminal proceedings”). Third, the state court proceedings provide an adequate opportunity for Plaintiff to raise his claims.

In addition, Plaintiff has sued two Kent County judges. Generally, a judge is absolutely immune from a suit for monetary damages. *Mireles v. Waco*, 502 U.S. 9, 9–10 (1991) (“[I]t is a general principle of the highest importance to the proper administration of justice that a judicial officer, in exercising the authority vested in him, shall be free to act upon his own convictions, without apprehension of personal consequences to himself.”) (internal quotations omitted); *Barrett v. Harrington*, 130 F.3d 246, 254 (6th Cir. 1997); *Barnes v. Winchell*, 105 F.3d 1111, 1115 (6th Cir. 1997). Absolute judicial immunity may be overcome in only two instances. First, a judge is not immune from liability for non-judicial actions, i.e., actions not taken in the judge’s judicial capacity. *Mireles*, 502 U.S. at 11; *see Forrester v. White*, 484 U.S. 219, 229 (1988) (noting that immunity is grounded in “the nature of the function performed,

not the identity of the actor who performed it”). Second, a judge is not immune for actions, though judicial in nature, taken in complete absence of all jurisdiction. *Id.* at 12; *Bright v. Gallia Cnty.*, 753 F.3d 639, 649 (6th Cir. 2014) (recognizing the difference between an “excess of jurisdiction and the clear absence of all jurisdiction over the subject matter[,]” and noting that only the latter deprives a judge of judicial immunity).

Plaintiff’s allegations clearly fail to implicate either of the exceptions to judicial immunity. There is no doubt that making rulings and presiding over Plaintiff’s criminal case are judicial acts. Accordingly, it is recommended that the Court determine that Judge Ohara and Judge Faber are absolutely immune from liability.

Moreover, injunctive relief is also not available under § 1983, because, under the 1996 amendments to that statute, injunctive relief “shall not be granted” in an action against “a judicial officer for an act or omission taken in such officer’s judicial capacity . . . unless a declaratory decree was violated or declaratory relief was unavailable.” 42 U.S.C. § 1983; *accord Savoie v. Martin*, 673 F.3d 488, 496 (6th Cir. 2012). Plaintiff does not allege that a declaratory decree was violated or that declaratory relief was unavailable. Consequently, in the opinion of the undersigned, any claim for injunctive relief is barred. *Montero v. Travis*, 171 F.3d 757, 761 (2d Cir. 1999).

Similarly, prosecutors enjoy absolute immunity from damages when engaging in activities “intimately associated with the judicial phase of the criminal process.” *Imbler v. Pachtman*, 424 U.S. 409, 430-431 (1976). Immunity extends to alleged

misconduct such as “the knowing use of false testimony and the suppression of material evidence.” *Spurlock v. Thompson*, 330 F.3d 791, 797 (6th Cir. 2003). Immunity shields against liability for actions “undertaken by a prosecutor in preparing for the initiation of judicial proceedings for trial,” which includes the evaluation of the evidence assembled by police. *Buckley v. Fitzsimmons*, 509 U.S. 259, 272-273 (1993). In the opinion of the undersigned, Plaintiff has not asserted facts to support his claim for damages. For these reasons, it is recommended that the Court determine that Assistant Prosecutor Bartlett is entitled to absolute immunity from Plaintiff’s claim for damages.

#### **IV. Recommendation**

Accordingly, it is respectfully recommended that the Court dismiss the complaint for failure to state a claim on which relief may be granted.

Dated: May 9, 2025

/s/ Maarten Vermaat  
 MAARTEN VERMAAT  
 U. S. MAGISTRATE JUDGE

#### **NOTICE TO PARTIES**

Any objections to this Report and Recommendation must be filed and served within fourteen days of service of this notice on you. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b). All objections and responses to objections are governed by W.D. Mich. LCivR 72.3(b). Failure to file timely objections may constitute a waiver of any further right of appeal. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *see Thomas v. Arn*, 474 U.S. 140 (1985).